

LEE A. MORRISON (SBN #95676)
Union Bank of California Building
530 "B" Street, Suite 1410
San Diego, CA 92101-4479
Tel: (619) 235-2133
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FILED

08 FEB -8 PM 4:12

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Attorney for Defendant
CRESCENT ELECTRIC SUPPLY COMPANY

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH MONTIEL, an individual,

) No. 08CV0243DMSCAB

Plaintiff,

)
) **CERTIFICATE OF SERVICE OF**
) **NOTICE TO ADVERSE PARTY OF**
) **REMOVAL TO FEDERAL COURT**

vs.

CRESCENT ELECTRIC SUPPLY
COMPANY, a corporation; and
DOES 1 through 25, inclusive,

Defendants.

Deborah Seiter certifies and declares as follows;

I am over the age of 18 years and not a party to this action.

My business address is the law offices of LEE A. MORRISON, 530 "B" Street, Suite 1410, San Diego, California 92101-4479, which is located in the city, county and state where the mailing described below took place.

On February 7, 2008, I deposited in the United States Mail at San Diego, California, a copy of the Notice to Adverse Party of Removal to Federal Court dated February 7, 2008, a copy

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Lee A. Morrison
530 "B" Street, Suite 1410
San Diego, CA 92101-4479
(619) 235-2133

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1 of which is attached to this Certificate.

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Executed on this 7 day of February, 2008.

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5 Deborah Seiter
6 Deborah Seiter

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Attorney for Defendant
CRESCENT ELECTRIC SUPPLY COMPANY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
NORTH COUNTY REGIONAL CENTER

ELIZABETH MONTIEL, an individual,

Plaintiff,

vs.

CRESCENT ELECTRIC SUPPLY
COMPANY, a corporation; and
DOES 1 through 25, inclusive,

Defendants.

) Case No. 37-2008-00088094-CU-OE-NC

)
) **NOTICE TO ADVERSE PARTY OF**
) **REMOVAL TO FEDERAL COURT**

)
)
) (Complaint filed: 1/4/08)

) DEPT: N-30

) JUDGE: Hon. Thomas P. Nugent

TO PLAINTIFF ELIZABETH MONTIEL AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the
United States District Court for the Southern District of California on February 7, 2008, as
Case No. 08CV0243DMSCAB.

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Lee A. Morrison
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San Diego, CA 92101-4479
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1 A copy of said Notice of Removal (without exhibits) is attached to this Notice, and is
2 served an filed herewith.

3
4 Dated: February 7, 2008



LEE A. MORRISON
Attorney for Defendant
CRESCENT ELECTRIC SUPPLY
COMPANY

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2008 FEB -7 PM 12:34
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

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Attorney for Defendant
CRESCENT ELECTRIC SUPPLY COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH MONTIEL, an individual,

Plaintiff,

vs.

CRESCENT ELECTRIC SUPPLY
COMPANY, a corporation; and
DOES 1 through 25, inclusive,

Defendants.

No. **08 CV 0243 DMS CAB**

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(b)
(DIVERSITY)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant CRESCENT ELECTRIC SUPPLY COMPANY,
hereby removes to this Court the state court action described below.

1. On January 4, 2008, an action was commenced in the Superior Court of the State of California in and for the County of San Diego, North County Regional Center, entitled *Elizabeth Montiel vs. Crescent Electric Supply Company, et al.*, as Case No. 37-2008-00088094-CU-OE-NC. A copy of the Complaint is attached hereto as Exhibit "A".

2. The first date upon which Defendant CRESCENT ELECTRIC SUPPLY COMPANY received a copy of said Complaint was January 9, 2008 when Defendant's employee (Tracey Standen) received a copy of the said Complaint and a Summons from the said state court.

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1 A copy of the Summons is attached hereto as Exhibit "B". The Summons and Complaint was not
 2 served on that date, nor has it ever been actually served.

3 3. This action is a civil action of which this Court has original jurisdiction under
 4 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in
 5 controversy exceeds the sum of \$75,000, exclusive of interest and costs, because the face of the
 6 Complaint alleges employment-related claims giving rise to the following damages:

- 7 (a) "(l)ost wages, salary, employment benefits, and additional
 8 amounts of money (plaintiff) would have received" in the
 9 absence of the alleged unlawful conduct;
 10 (b) the loss of "employment-related opportunities" including
 11 experience as a lighting project manager;
 12 (c) "(e)motional and physical distress including, but not
 13 limited to, sleeplessness, worry, stress, crying, anxiety,
 14 tension, agitation, panic, depression, loneliness, feelings of
 15 helplessness, frustration, fear, isolation, being
 16 overwhelmed ..." and
 17 (d) physical injuries including, but not limited to "headaches,
 18 high blood pressure, nausea, diarrhea, heart palpitations and
 19 hair loss."

20 Additionally, Plaintiff claims punitive damages.

21 4. Defendant is informed and believes that Plaintiff ELIZABETH MONTIEL was, and
 22 still is, a citizen of the State of California. Defendant CRESCENT ELECTRIC SUPPLY
 23 COMPANY was, at the time of the filing of this action, and still is, a corporation incorporated
 24 under the laws of the State of Delaware, having its principal place of business in the State of
 25 Illinois, and is the only Defendant that has received a Summons and Complaint in this action. (All
 26 other Defendants are fictitious defendants designated DOES 1 through 25)

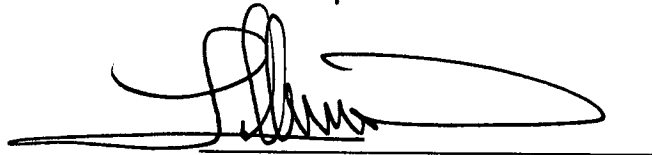
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1 5. A copy of Defendant's Answer, filed in the Superior Court action, is attached hereto
2 as Exhibit "C".

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4 Dated: February 6, 2008



LEE A. MORRISON
Attorney for Defendant
CRESCENT ELECTRIC SUPPLY
COMPANY

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